

April 26, 2023

Hon. Stacy Brenner, Senate Chair
Hon. Lori Gramlich, House Chair
Joint Committee on Environment & Natural Resources
Maine State Capitol Building
100 State House Station
Augusta, ME 04333

RE: Support LD 1214 – PFAS Reforms

Dear Chairwoman Brenner, Chairwoman Gramlich, and Members of the Committee:

On behalf of the Alliance for Automotive Innovation¹ (Auto Innovators), thank you for the opportunity to provide testimony in support of Legislative Document 1214, legislation that seeks to make commonsense amendments to the state's 2021 PFAS regulation law. Among other things, Public Law 2021, Chapter 477, establishes an onerous reporting requirement on all uses of PFAS chemicals and institutes a ban on the sale of all consumer products not specifically exempted as an unavoidable use. Both sections of the 2021 law likely will dramatically impact the sale of consumer goods in the state and both provisions of the 2021 law would be addressed in a positive manner by LD 1214.

PFAS in Auto Industry

The expectations for today's automobiles are high, and the environments in which vehicles must operate are harsh. From the coldest days of winter to summer driving through Death Valley, consumers expect their car or truck to get them there safely. The PFAS family of chemicals has helped provide this resiliency through the application of coatings and products that resist heat, oil, stains, grease, and water. Such qualities are imperative throughout the vehicle. The heat resistance qualities of PFAS allow flexible fuel lines to safely deliver gasoline into a hot engine without causing a fire. Similarly, heat resistance – along with protection from water intrusion – protects the integrity of wire looms, sensors, and brake lines on a vehicle that allow today's advanced safety systems to function. In addition to these safety benefits, modern vehicles have drastically reduced emissions, in part because of the chemical and heat resistant protections that PFAS provide to gaskets and O-rings, which keep engines tightly sealed, and coatings on cylinder heads and hoses, which reduce fugitive gasoline vapor emissions. Nearly every automotive system depends on certain types of PFAS chemicals to provide a durable, reliable, safer, and cleaner product to consumers.

Automakers and their suppliers consider the impacts of chemicals used to build today's vehicles very seriously and are always looking for substitute compounds that can perform the same job with a lower environmental impact. The industry has even recognized areas where it can reduce the use of PFAS chemicals in specific applications, as it has already ceased use of long-chain PFAS products. Despite all this, however, there are some uses that cannot yet be replicated by any other known chemical.

¹ From the manufacturers producing most vehicles sold in the U.S., to autonomous vehicle innovators, to equipment suppliers, battery producers, and semiconductor makers – the Alliance for Automotive Innovation represents the full auto industry, a sector supporting 10 million American jobs and five percent of the overall economy. Active in Washington, D.C. and all 50 states, the association is committed to a cleaner, safer, and smarter personal transportation future. www.autosinnovate.org.

Extension of Reporting Requirement to 2024

The U.S. Environmental Protection Agency (EPA) has identified over 12,000 different chemicals² within the PFAS family. Focusing on the auto industry alone, today's vehicle has approximately 30,000 identifiable parts, sourced from hundreds (or thousands) of suppliers across the world. The obligation on each automaker to analyze and collect the exact usages of each of the over 12,000 PFAS chemicals for each of the 30,000 parts on a vehicle will be a monumental task, which then must be replicated for each model of vehicle sold and the numerous replacement parts developed to service and maintain previously manufactured vehicles. Collecting the required data to report under the current law is a significant burden that automakers will struggle to complete in the timeline envisioned. The legislation would extend the reporting deadline to January 1, 2024. This extension makes sense from an administrative standpoint as well, as the Department of Environmental Protection (DEP) has not yet finalized their regulations to help guide compliance with the law, nor have they established an online reporting system for usage data.

Removal of Blanket Ban in 2030

This legislation would also remove the blanket ban on all consumer products containing PFAS chemicals unless granted an exemption as an unavoidable use by DEP. The decision to ban all consumer products containing PFAS before reports on the usage of the chemicals can be reviewed and considered for impacts on health will only lead to one outcome - a deluge of requests for an exemption as an unavoidable use filed by every manufacturer currently using such chemicals. There will simply be no incentive not to seek an exemption. While DEP will eventually weed through the sea of requests, and appropriately provide exemptions for unavoidable uses, it will be a huge burden on staff time, likely causing delays in effectuating the goal of the law, to remove harmful chemicals from the economy where possible. The proposed legislation would allow DEP to review the usage reports once filed and take action based on the information provided, targeting avoidable uses that have the most direct pathways to human exposure. Any other approach will make their task infinitely more challenging.

More Targeted Chemical List

As drafted, LD 1214 would amend the definition of a PFAS chemical to exclude certain polymers, gases, and volatile liquids, substances with fewer than 2 sequential fully fluorinated carbon atoms, and chemicals with PFAS as byproducts, thereby targeting the law on chemicals identified as being a more known concern, as opposed to all PFAS chemicals. For example, in the auto industry, automakers have transitioned air conditioning systems to utilize refrigerants with ever lower global warming potential (GWP). After many millions of dollars worth of investments, automakers now widely use a refrigerant known as HFO-1234yf. For comparison, on a scale where carbon dioxide is considered to have a GWP rating of 1, R-12 which was widely used for many years, has a rating of 2,400. Automakers then transitioned from R-12 to R-134A, which has a GWP of 1,430. Currently, automakers are widely using HFO-1234yf, which has a GWP of 4. This new refrigerant generates PFAS chemicals as a byproduct of use and would be prohibited under Maine's 2021 law without the adoption of this new language. A more limited class of substances will also lower the reporting burden on companies and lower the challenge DEP will face when reviewing.

Protection for Trade Secret and Intellectual Property Issues

Finally, the legislation would add specific protections for confidential business information. Auto manufacturers sign confidentiality agreements with suppliers contractually protecting confidential information and trade secrets. Without any provisions to enable protection of that sort of information, manufacturers will be forced to choose between compliance with the law and regulations and compliance with their contractual obligations. LD 1214 rightly recognizes this tension and provides appropriate clarity for businesses.

² <https://comptox.epa.gov/dasSBoard/chemical-lists/pfasmaster>

Auto Innovators' mission is to secure a cleaner, safer and smarter personal transportation future and as noted above, our members take very seriously the impacts of chemicals used to manufacture the modern vehicle and are always looking for alternate compounds that can provide a similar role with a lower environmental impact. We believe these modifications to the statute will result in a more streamlined PFAS regulatory program, improving the quality and usefulness of information received by DEP to fight PFAS contamination, and appropriately reducing the burdens on both manufacturers and the agency.

Thank you for your consideration of our views. If I can provide any further information, please feel free to contact me at wweikel@autosinnovate.org.

Kindest regards,



Wayne Weikel
Vice President, State Government Affairs

cc: Members, Joint Committee on Environment & Natural Resources